

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 SSO-00 SCS-06 CA-01 L-03 H-01 HA-05
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FM AMEMBASSY LAGOS
TO SECSTATE WASHDC NIACT IMMEDIATE 8230

C O N F I D E N T I A L LAGOS 5462

FOR AF/W

E.O. 11652: GDS
TAGS: CASC, EFIN, NI (LEFEVRE, LOUIS)
SUBJECT: LEFEVRE CASE

REF: (A) LAGOS 5396, (B) STATE 108104, (C) LAGOS 5389,
(D) LAGOS 5399

1. LEFEVRE AND RITTER CALLED ON ECON SECTION THIS MORNING TO
ANNOUNCE STRATEGY CHANGE AND DEMAND MORE VIGOROUS EMBASSY ACTION.

2. LEFEVRE SAID HIS LAWYERS ARE NOT REPEAT NOT GOING TO ASK
ATTORNEY GENERAL TO REVIEW CASE OR TAKE ANY OTHER LEGAL ACTION
UNTIL LEARNING OUTCOME OF EMBASSY APPROACH TO POLICE INSPECTOR
GENERAL YSUF CONCERNING HIS EARLIER ASSURANCE THAT POLICE WOULD
HANDLE CASE EXPEDITIOUSLY. LAWYERS ARE NOT EVEN GOING TO
SUBMIT LEGAL PROOF THAT THERE IS NO THEFT OF FIRM'S FUNDS, HENCE,
NO THEFT CASE; LEFEVRE SAID THERE IS NO COURT IN WHICH TO PRESENT
THIS ARGUMENT. LEFEVRE SAID LEGAL APPROACHES WOULD ONLY PROVIDE
PRETEXT FOR FURTHER DELAY BY POLICE, WHO WOULD SAY THEY CAN DO
NOTHING UNTIL LEGAL PROCEDURES COMPLETED. LEFEVRE
BELIEVES ATTORNEY GENERAL CANNOT IN PRATICE OVERRULE
YUSUF, DESPITE HIS PRESUMED AUTHORITY TO DO SO.

3. SURPRISED EMBOFFS SAID EMBASSY HAD BEEN UNABLE
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CONTACT YUSUF ON LEFEVRE'S BEHALF BECAUSE YUSUF TIED
UP WITH RECENT RIOTS IN LAGOS. WE ADVISED THAT EMBASSY
WOULD OF COURSE CONTINUE EFFORTS WITH YUSUF BUT THAT
LEFEVRE SHOULD BE TRYING LEGAL CHANNELS AT SAME TIME.
LEFEVRE INDICATED IRRITABLY THAT BALL IN EMBASSY'S COURT
AND IT SHOULD DO MORE. HE WAS WELL AWARE THAT YUSUF WAS
TOO BUSY WITH RIOTS TO DISCUSS HIS CASE AND THUS WAS NOT

TOO CRITICAL OF EMBASSY, BUT HE PROBABLY WILL BE BACK SOON.

4. COMMENT: LEFEVRE'S PRESENT COMMENTS, WHICH REFLECT A SHARP CHANGE IN PLANNED TACTICS, STRONGLY SUGGEST THAT HIS BOSSES IN NEW YORK HAVE FORCED UPON HIM THE VIEWS THEY EXPRESSED TO AMBASSADOR EASUM ON APRIL 26 (REFTEL B), I.E. THAT A POLITICAL SOLUTION IS THE ANSWER TO HIS PROBLEM RATHER THAN RECOURSE TO A DIFFERENT JUDICIAL APPROACH.

5. WE THINK THE AID IS BADLY MISJUDGING THE ENTIRE STATE OF PLAY. FIRSTLY, WE DOUBT THAT YUSUF HAS THE AUTHORITY TO ORDER A DISMISSAL OF ALL CHARGES AGAINST LEFEVRE. THE POLICE MAY WELL HAVE COMPLETED THEIR INVESTIGATIONS AND IT WAS THE MINISTRY OF TRADE WHICH INSTIGATED THE CASE

AND THE PROSECUTION STILL HAS THE RESPONSIBILITY TO DETERMINE WHETHER OR NOT TO INSIST ON A TRIAL. WE DO NOT SEE HOW YUSUF COULD OVERTURN AT THIS POINT THE MAGISTRATE'S DECISION TO RESUME THE TRIAL ON JUNE 23. SECONDLY, YUSUF IS PRESUMABLY SO DEEPLY INVOLVED IN PLANNING TO PREVENT OR COPE WITH A REPEBUTION OF THE RECENT RIOTS IN LAGOS THAT WE CANNOT COUNT ON HIM TO CONCENTRATE ON THE LEFEVRE CASE FOR SOME TIME. THERE IS SERIOUS CONCERN HERE IN MANY QUARTERS THAT THE GOVERNMENT IS BREAKING DOWN AND THE LEFEVRE CASE MUST APPEAR TRIVIAL TO YUSUF IN COMPARISON. HE TOLD EMBOFF HE WOULD CONTACT HIM WHEN HE COULD SEE HIM
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AND WE DO NOT FEEL UNDER THESE CIRCUMSTANCES THAT WE CAN APPROACH HIM AGAIN RIGHT AWAY. THIRDLY, THE EMBASSY DOES NOT HAVE PARTICULARLY STRONG GROUNDS FOR COMPLAINT WITH REGARD TO LEFEVRE AT PRESENT. THE NIGERIAN AUTHORITIES CAN CORRECTLY MAINTAIN THAT HIS CASE IS BEING DEALT WITH IN ACCORDANCE WITH CUSTOMARY AND PROPER JUDICIAL PROCEDURES. FOURTHLY, FAILURE TO PURSUE THE CASE WITH THE ATTORNEY GENERAL IS IN OUR OPINION FAR MORE LIKELY TO POSTPONE A PROMISING OPPORTUNITY FOR EARLY SETTLEMENT OF THE CASE THAN TO PROVIDE THE POLICE WITH A PRETEXT FOR FURTHER DELAY, A RATHER RIDICULOUS ARGUMENT WHEN A TRIAL IS PENDING IN ANY CASE. FIFTHLY, ROTIMI WILLIAMS, ONE OF THE MOST DISTINGUISHED LAWYERS IN THE COUNTRY, FAVORS PRESENTATION OF THE CASE TO THE ATTORNEY GENERAL AND TOLD HUFFMAN THAT HE COULD SEE NO WAY IN WHICH EMBASSY COULD HELP AT THIS TIME (REFTELS C AND D).

6. ALTHOUGH WE ARE NOT OPTIMISTIC, WE RECOMMEND THAT THE DEPARTMENT PRESENT THE ABOVE ANALYSIS TO AIG AND REQUEST IT TO RECONSIDER ITS TACTICS.
WYMAN

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NNN

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